



**THE CITY OF NEW YORK
LAW DEPARTMENT**

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May 24, 2022

BY ECF

Hon. Lewis J. Liman
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: Christopher Andretta v. The City of New York, 21-cv-5783 (LJL)

Your Honor:

I am an Assistant Corporation Counsel in the Office of the Corporation Counsel of the City of New York, attorney for Defendant City of New York ("City") in the above-referenced matter. Plaintiff, who was detained at a correctional facility on Rikers Island, alleges that he contracted COVID-19 while he was incarcerated.

In light of Plaintiff's failure to cooperate in discovery, I write to respectfully request that the Court: (1) compel Plaintiff to provide responses to Defendants' discovery demands; and (2) grant a corresponding 60-day extension of the time to complete discovery to enable Defendant to receive Plaintiff's discovery responses prior to deposing him.

By way of background, on February 28, 2022 Defendant City sent to Plaintiff its First Set of Interrogatories and Requests for the Production of Documents, making Plaintiff's responses due by March 30, 2022. The letter, however, was returned to sender as Plaintiff had been transferred from Rikers Island to a New York State facility. But Plaintiff neglected to inform either Defendant or the Court of his transfer. My office was able to locate Plaintiff's new address at the State facility, and by letter dated April 13, 2022, Defendant again served Plaintiff with its discovery demands, along with initial disclosures and a notice of deposition scheduling Plaintiff's deposition for May 25, 2022. By letter dated April 29, 2022, Defendant again provided a courtesy copy of its discovery demands at the address provided by Plaintiff in light of his release from custody. Given the second date of service, Plaintiff's responses to Defendants' discovery demands were due by May 13, 2022. To date, however, Plaintiff has failed to produce discovery responses, which are now overdue.

Pursuant to the Court's Case Management Plan and Scheduling Order dated February 2, 2022 (Dkt. No. 20), the deadline to complete fact discovery is May 31, 2022. The requested extension of time will enable Defendant to receive Plaintiff's discovery responses prior to deposing Plaintiff. Because Plaintiff, who is proceeding *pro se*, has not provided this office or the Court with his telephone number nor responded to this office's correspondence from April, the instant request for an extension is made directly to the Court. This is the first such request for an extension.

Accordingly, for the reasons set forth herein, Defendant respectfully requests that the Court issue an order: (1) compelling Plaintiff to provide responses to Defendants' discovery demands; (2) directing that Plaintiff has waived any objections to the discovery demands; (3) warning Plaintiff that failure to cooperate in discovery or to comply with Court Orders may result in sanctions, up to and including dismissal; and (4) extending the time, until August 1, 2022, to complete discovery.

Thank you for your consideration of these requests,

Respectfully submitted,

/s/

James Cullen
Assistant Corporation Counsel

cc: Via First Class Mail
Christopher Andretta
929 Cortlandt Ave.
Apt. 6F
Bronx, NY, 10451

Plaintiff has not responded to this letter motion, despite being provided ample time to do so. It is hereby ORDERED that Plaintiff shall provide responses to Defendants' discovery demands, for which he has waived any objections. The time to complete discovery is extended until August 1, 2022. The post-discovery status conference currently scheduled for June 28, 2022 is adjourned. The parties are directed to inform the Court once discovery is complete, and the Court will reschedule the post-discovery status conference at that time. Counsel for the City is directed to serve this Order on Plaintiff at his last-known address.

SO ORDERED.



LEWIS J. LIMAN
United States District Judge

6/24/2022